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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,003	12/11/2003	Suprio Pal	AWK03-001	8292

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EXAMINER

MIZRAHI, DIANE D

ART UNIT PAPER NUMBER

2165

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/733,003

Applicant(s)

PAL, SUPRIO

Examiner

DIANE D. MIZRAHI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) 1-2, 11-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12-11-03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

### III. DETAILED ACTION

Claims 3-10 are presented for examination.

Applicant is reminded claims 1-2 and 11-19 should be formally withdrawn.

#### **Claim Objections**

Claims 4 and 6 are objected to because of the following informalities: Regarding Claims 4 and 6, Examiner is unclear as to what Applicant means by “without” (line 2).

Regarding Claim 4, Examiner request for the claimed, “OLE DB” to be formally changed to read, “object linking and embedding database”. Appropriate correction is required.

#### **Claim Rejections - 35 USC 101**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claims 7-9 are rejected under 35 U.S.C. 101 because the claims are directed to a non-statutory subject matter, specifically, the claims are not directed towards the final result that is “useful, tangible and concrete.

See State Street, 149 F.3d at 1373-74 USPQ2d at 1601-02 and Alappat, 33 F.3d at 1544, 31 USPQ2d at 1557). The decisions state to be eligible for patent protection, the claimed invention as a whole must accomplish a practical application. A claim limited to a machine or manufacture, which has a practical application, is statutory. Alappat, 33 F.3d at 1544, 31 USPQ2d at 1557). That is, it must produce a “useful, concrete and tangible result”. The

purpose of this requirement is to limit patent protection to inventions that possess a certain level of “real world” value as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research (Brenner v. Manson, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96 (1966); In re Fisher, 421 F.3d 1365, 76 USPQ 2d 1255 (Fed. Cir. 2005); In re Ziegler, 992 F.2d 1197, 1200-03, 26 USPQ 2d 1600, 1603-06 (Fed. Cir. 1993)).

Applicant’s claims 7-8 recite conditional limitations for producing results, such as the claimed, “if ... Rowset was opened with an Index, if yes then....” such that the condition is not met, the claims will generate no useful, concrete, and tangible results. The result of the claimed, “if ... Rowset was opened with an Index, if yes then” is conditional and will take place only the claimed, “if ... Rowset was opened with an Index, if yes then has been met”. There appears to be no generating or production of any useful, concrete, and tangible results. Examiner recommends Applicant to amend the claims without adding any new matter to the originally filed specification.

Claim 9 recites conditional limitations for producing results, such as “if NOT KEY or KEYDATA column then...” such that the condition is not met, the claims will generate no useful, concrete, and tangible results. There appears to be no generating or production of any useful.

Examiner recommends Applicant to amend the claims without adding any new matter to the originally filed specification.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 3-6 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Bassam Tabbara et al. (U.S. Patent No. 6,460,043 and Tabbara hereinafter).

Regarding Claim 3, Tabbara teaches a database management system holding a base table of information in a database and provides an index structure having index files wherein each index file contains a key (col 12, lines 14-67 to col 13, lines 1-5) and pointer (col 42, lines 1-8) which points to a record in said base table .. managing database queries (col 1, lines 52-67 to col 2, lines 1-32) comprising: a fetching a limited set of columns from said base table (col 1, lines 29-40) issuing a database fetch request from said index structure (col 39, lines 1-49).

Regarding Claim 4, Tabbara teaches enabling OLE DB applications to access selected columns present in said index structure without need to access said base table (col 1, lines 30-40; col 12, lines 14-67 to col 13, lines 1-5) .

Regarding Claim 5, Tabbara teaches retrieving column information from said index structure (col 39, lines 1-49)(col 11, lines 1-28).

Regarding Claim 6, Tabbara teaches client query means for fetching a limited set of columns from a table; (col 5, lines 54-67 to col 6, lines 1-3)(col 33, lines 65-67)(col 11, lines 1-

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28); checking to determine which columns are present in the index structure which spans said table (i.e. reads on querying)(col 1, lines 52-67 to col 2, lines 1-32); database fetch request means for fetching a column from only said index structure (col 1, lines 29-40).

Regarding Claim 10, the limitations of this claim is similar in scope to the rejected claims above. In addition, Tabbara teaches fetching... (col 1, lines 29-40).

### **Other Prior Art Made of Record**

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions. Examiners advises the Applicant that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov)), from the Office of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

### **Conclusion**

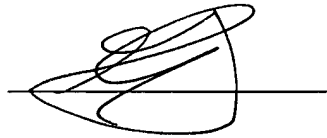
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D. Mizrahi whose telephone number is 571-272-4079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 305-3900 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read 'Diane Mizrahi', written over a horizontal line.

Diane Mizrahi  
Primary Patent Examiner  
Technology Center 2100

November 20, 2006